

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:11-CV-661-F

KENNETH JACKSON,
Plaintiff,

v.

VETERANS ADMIN. M. CENTER,
Defendant.

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ORDER

This matter is before the court for consideration of United States Magistrate Judge William A. Webb's Memorandum and Recommendation ("M&R") [DE-3] filed on November 22, 2011. Here, any objection to the Magistrate Judge's M&R was due within fourteen (14) days of receipt, pursuant to 28 U.S.C. § 636(b)(1), Fed.R.Civ.P. 72(b)(2), and Local Civil Rule 72.4(b), EDNC. The docket indicates that the M&R was first mailed to Plaintiff on November 22, 2011. On November 29, 2011, that mail was returned as undeliverable. *See* [DE-4]. On December 12, 2011, the court, upon review, noticed that Plaintiff provided two different return addresses in his Motion for Leave to Proceed *In Forma Pauperis* [DE-1]. Therefore, the court ordered the Clerk of Court to send another copy of the Magistrate Judge's M&R to the other address listed in the application.¹ On December 20, 2011, this second mailing of the Magistrate Judge's M&R was returned as undeliverable. *See* [DE-6].

The court notes, at the outset, that parties have a duty to inform the court of their current address. *See* Local Civil Rule 83.3, EDNC. Here, it appears that Plaintiff has failed to provide the

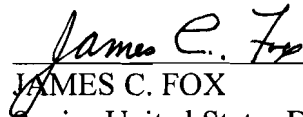
¹ The address that was previously reflected on the docket was "USVAMC, Ward 4-3-A, Salisbury, NC 28144." However, on page three of the application to proceed *in forma pauperis, pro se* plaintiff listed his return address as "KR Jackson, USVAMC, 1601 Brenner Ave., Salisbury, NC 28144." The court advised the Clerk of Court to combine these two addresses and resend the Magistrate Judge's M&R to this modified address.

court with a correct address, and as a result, he also has failed to file objections to the M&R. After an independent and thorough review of the Magistrate Judge's M&R and a review of the record, the court concludes that the M&R is correct and in accordance with the law. Accordingly, the court hereby **ADOPTS** the Magistrate Judge's M & R [DE-3].

This case is **DISMISSED** as frivolous. The Clerk of Court is **DIRECTED** to close this case and remove it from the undersigned's docket.

SO ORDERED.

This the 21st day of December, 2011.



JAMES C. FOX
Senior United States District Judge